IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:01-CR-88-6

UNITED STATES OF AMERICA)	
v.)	<u>ORDER</u>
JOSHUA KAREEM OLIPHANT)	

THIS MATTER IS BEFORE THE COURT on Defendant's Letter Motion to Correct Sentence [doc. 125] filed on November 4, 2008.

In accordance with the Court's original intent, the motion to correct sentence is **GRANTED.** Defendant's Judgment is to be amended indicating that Counts 1 and 3 are to run concurrently with the sentencing for Mecklenburg County Docket numbers 01CRS14466, 01CRS14467, 01CRS14468, and 01CRS 14469. Defendant's remaining count 4 is a mandatory consecutive sentence.

However, this Court does not have the authority to calculate defendant's running time for the BOP and therefore the request that we provide a discharge date is denied.

IT IS ORDERED that a new J&C be prepared to reflect that the defendant's federal sentencing for Counts 1 and 3 are to run concurrently with each other and with the state sentencing.

IT IS SO ORDERED.

Signed: November 5, 2008

Graham C. Mullen

United States District Judge